

## **Chapter 1**

### **General Provisions**

#### **69-1-1 Notice by, authorized.**

Whenever any notice, information or intelligence is required to be given the same may be given by telegraph or telephone. Any such notice, information or intelligence shall be delivered to the telegraph or telephone operator in writing and shall be delivered to the person for whom it is intended in writing by the operator at the receiving office, who shall, on request, certify thereon that the writing so delivered is a true copy of the original. Notice by telegraph or telephone shall be deemed actual notice.

No Change Since 1953

#### **69-1-2 Transmitting written instruments by telegraph or telephone authorized -- Entitled to record -- Force and effect of copies -- Documents submitted to recorder -- Requirements.**

Any power of attorney or other instrument in writing duly proved or acknowledged and certified so as to be entitled to record may, together with the certificate of its proof or acknowledgment, be sent by telegraph or telephone, and the telegraphic or telephonic copy shall prima facie have the same force and effect in all respects, and may be admitted to record and recorded in the same manner and with the same effect, as the original. Documents submitted to the county recorder for recording shall be original or certified copies from other offices of public record, as required by Title 57, Real Estate.

Amended by Chapter 93, 1990 General Session

#### **69-1-3 Transmitting agreements for payment of money -- Burden of proof.**

Checks, due bills, promissory notes, bills of exchange and all orders or agreements for the payment or delivery of money or other thing of value may be made or drawn by telegraph, and when so made or drawn shall have the same force and effect to charge the maker, drawer, endorser or acceptor thereof, and shall create the same rights and equities in favor of the payee, drawee, endorsee, acceptor, holder or bearer thereof, as if duly made or drawn and delivered in writing. Except as provided in Section 69-1-4, whenever the genuineness or execution of any such instrument received by telegraph shall be denied on oath by or on behalf of the person sought to be charged thereby it shall be incumbent upon the party claiming under or alleging the existence of the same to prove the existence and execution of the original writing from which the telegraphic copy was transmitted. The original message shall in all cases be preserved in the telegraph office from which the same is sent.

Amended by Chapter 20, 1995 General Session

#### **69-1-4 Transmitting certified instruments -- Burden of proof.**

Except as hereinbefore otherwise provided, any instrument in writing, duly certified under his hand and official seal by a notary public, commissioner of deeds or clerk of a court of record to be genuine to the personal knowledge of such officer, may, together with such certificate, be sent by telegraph or telephone. The telegraphic or telephonic copy thereof shall, prima facie only, have the same force, effect and validity in all respects as the original, and the burden of proof shall be on the party denying the genuineness or due execution of the original.

No Change Since 1953